

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SISER NORTH AMERICA,  
INC., *et al.*,

Plaintiffs

Civil Action No.: 16-14369  
Honorable Gershwin A. Drain  
Magistrate Judge Elizabeth A. Stafford

v.

HERIKA G. INC., *et al.*,

Defendant.

\_\_\_\_\_/

**ORDER FOR ATTORNEY MICHAEL L. FEINSTEIN  
TO REIMBURSE PLAINTIFFS \$76,925.53**

On March 23, 2018, the Court entered an order that, among other things, required attorney Michael L. Feinstein to pay sanctions for discovery violations. [ECF No. 44]. Plaintiffs Siser North America, Inc., and Siser S.R.L. filed their bill of costs on April 6, 2018, [ECF No. 49], and neither Feinstein nor Defendants Hernan Gonzalez, Herika G, Inc., and HG World Group, Inc., filed a response. Defendants did file motions to extend the date for them to file objections to the March 23 order, [ECF Nos. 47-48], but the Court warned the parties that the filing of objections to the order would

not operate as a stay of the ordered obligations. [ECF No. 44, PageID 815-16, citing E.D. Mich. 72.2].<sup>1</sup>

The sanctions awarded included reasonable attorney's fees and costs caused by defendants' effective<sup>2</sup> failure to respond to discovery requests. [*Id.*, PageID 809-11, 815]. Reasonable attorney's fees are calculated using the "lodestar method." See *Beard v. Hawkins*, No. CV 14-13465, 2017 WL 2590344, at \*1 (E.D. Mich. May 22, 2017), *adopted*, 2017 WL 2572179 (E.D. Mich. June 14, 2017); *Naji v. Lincoln*, No. 13-10738, 2014 WL 6669278, at \*1–2 (E.D. Mich. Nov. 24, 2014). "[T]he fee applicant bears the burden of establishing entitlement to an award and documenting the appropriate hours expended and hourly rates." *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983).

The Court has reviewed plaintiffs' bill of costs and supporting documents, and finds the claimed attorney's fees and time expended to be reasonable. Therefore, the Court **ORDERS** attorney Michael L. Feinstein to reimburse plaintiffs the amount of **\$76,925.53**.

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<sup>1</sup> Rule 72.2 states, "When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge."

<sup>2</sup> Defendants did serve answers to discovery requests, but their deficiencies were such that, effectively, no answers were served. [ECF No. 44].

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: May 4, 2018

**NOTICE TO PARTIES REGARDING OBJECTIONS**

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of 14 days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 4, 2018.

s/Marlina Williams  
MARLENA WILLIAMS  
Case Manager